

REMARKS

Claims 1-4, 8-13, and 21-24 are pending in this application. Claims 10 and 21 have been amended. Claim 8 is withdrawn from examination as being directed to a non-elected species, but respectfully requested to be reinstated and allowed upon allowance of respective generic claim 1 from which it depends. Based on the foregoing claims amendments and following remarks, reconsideration and allowance of the application is respectfully requested.

Drawings

Applicant is submitting herewith a replacement sheet of drawings, including changes approved in Office Action mailed June 1, 2007. Applicant respectfully request entry of said replacement sheet of drawings.

Claim Rejections - 35 U.S.C. §102

Claims 1-4, 9-13, 21 and 23 stand rejected under 35 U.S.C. §102(b), as being allegedly anticipated by U.S. Patent No. 5,762,066 ("Law"). Applicant respectfully traverses this rejection, since Law does not disclose each and every element required by these claims.

Independent apparatus claims 1 and 10 (as amended) each recites a catheter with a transducer secured to the catheter, the transducer having a surface configured to be placed on a tissue. Similarly, independent method claim 21 (as amended), includes the steps of introducing a catheter carrying a transducer into a body, the transducer having a surface, and placing the surface of the transducer on the tissue region. In contrast, Law discloses an ultrasound transrectal probe comprising a housing, a rotatable transducer disposed within the housing, an acoustic window and a membrane over the window, wherein the

membrane separates the transducer from the patient's tissue. (Col 6, lines 1-19, Col 7, lines 3-18, Col 11, lines 44-61, Col 14, lines 42-58). Thus, Law does not disclose or suggest a transducer secured to the catheter, wherein the transducer has a surface configured to be placed on a tissue, since Law's transducer is separated from the patient's tissue by a membrane. Furthermore, Law's transducer is not intended to be in contact with the tissue since the transducer rotates in its axis inside of the probe, such rotation could "*pinch tissue and bind the movement means*" of the transducer (Col. 14, lines 56-58).

For at least these reasons, Applicant respectfully submits that independent claim 1, 10 and 21, along with the remaining claims which depend there from, are not anticipated by Law, and respectfully request withdrawal of the §102 rejection of these claims.

Claim Rejections - 35 U.S.C. §103

Claim 22 stands rejected under 35 U.S.C. § 103(a) for allegedly being unpatentable over Law in view of U.S. Patent Publication No. 2002/0055693 ("Thompson"). Applicant respectfully traverses this rejection, since the combination of Law and Thompson, even if proper, does not disclose, teach, or suggest the combination of elements required by claim 22.

Claim 22 incorporates all of the elements and limitations of claim 21. As discussed above, Law does not disclose the method of delivering acoustic energy to a tissue by introducing a catheter that carries a transducer into a body and placing the surface of the transducer on a tissue region, and Thompson does not supplement this failed teaching. In particular, Thompson discloses a method of applying ultrasound energy by using a device having a housing with a skirt region that separates and "*prevent[s] direct contact between*

the transducer face 46 and the person's skin." (Col. 5, lines 54-61). Thus, Thompson does not disclose the claim limitation missing from Law.

For at least these reasons, Applicant respectfully submits that claim 22 is not obvious over Law and Thompson, and as such, requests withdrawal of the §103 rejection.

CONCLUSION

For the reasons set forth above, Applicant respectfully submit that the currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

If there are any questions concerning this amendment and response, please contact the undersigned at the number below.

Respectfully submitted,
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